

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5435 of 2005

Between:

K.M. Pandu S/o. Late K. Manikyam
R/o. 1-59, Qutubullapur Village and Mandal, R.R. District.

... PETITIONER

AND

- 1 The Commissioner, Qutubullapaur Municipality, R.R. District.
- 2 Smt. Rafiq Sultana W/o. Rasool
R/o. H.No. 6-3, Chintal, Near Geetha Timber Depot, Hyderabad-54.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate order or direction or a writ more particularly a writ in the nature of Mandamus directing the 1st Respondent herein to demolish the illegal and unauthorized constructions made by the 2nd Respondent herein in Plot No.21 in Sy.Nos. 205, 206 and 207 situated at Thee Nagar, Qutubullapur Village and Mandal, R.R. District in order to implement the orders issued by the 1st respondent herein vide C.O.No. 15/TPBO-II/04-05 dt. 10-11-2004 by declaring the action of the 1st Respondent in not implementing the said orders is illegal, void and biased and consequently direct the 1st Respondent to verify the actual extent of land personally in the aforesaid plot in order to cancel the sanctioned plan approved in favour of the 2nd Respondent herein.

Counsel for the Petitioner: MR.GADEVENKATESWARA RAO

Counsel for the Respondents: MR.POLISETTI RADHAKRISHNA (SC FOR MPL)

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed seeking direction to the first respondent-Commissioner, Qutubullapur Municipality, to demolish the alleged illegal construction made by the second respondent by violating the sanctioned plan bearing No.BA/29/01-02 dated 19-12-2003 in Plot No.21 in Sy.Nos.205, 206 and 207 of Thee Nagar, Qutubullapur Municipality, Ranga Reddy District.

Having heard the learned counsel for the petitioner, the learned standing counsel appearing for the first respondent and keeping in view the nature of the controversy involved, without expressing any opinion as to the correctness of the allegations made by the petitioner, the writ petition is disposed of with a direction to the first respondent-Commissioner, Qutubullapur Municipality, to consider the representation of the petitioner dated 17-11-2004 and pass appropriate orders, in accordance with law, after affording due opportunity to the second respondent to rebut the allegations made by the petitioner, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No order as to costs.

G. ROHINI, J

Dated: 17-03-2005

LSK

To

- 1 The Commissioner, Qutubullapaur Municipality, R.R. District.
- 2 Two C.D. copies.